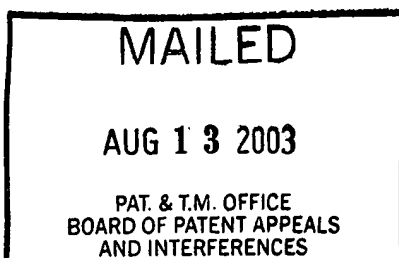




## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Jameson Lee  
Telephone: (703) 308-9797  
Facsimile: (703) 305-0942



Patentees: ELSENER  
Application No.: 09/672,726, now Patent No.  
6,555,792 B1, granted 04/29/03  
Filed: 09/28/00  
For: THERMOCYCLER AND LIFTING ELEMENT  
Accorded benefit: none

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,141.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

A handwritten signature in cursive script that reads "Jameson Lee".  
\_\_\_\_\_  
JAMESON LEE  
Administrative Patent Judge

Filed by: Jameson Lee  
Administrative Patent Judge  
Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 703-308-9797  
Fax: 703-305-0942

Filed  
13 August 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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DONAT ELSENER and DANIEL RYSER,

Junior Party,  
(Patent 6,555,792 B1),

v.

HON SIU SHIN, JEW KWEE NGUI, ADRIAN FAWCETT,  
KENNETH P. CHAO, GARY L. BORDENKIRCHER,  
JESSICA BARZILAI and DONALD R. SANDELL,

Senior Party,  
(Application 09/496,408).

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Patent Interference No. 105,141

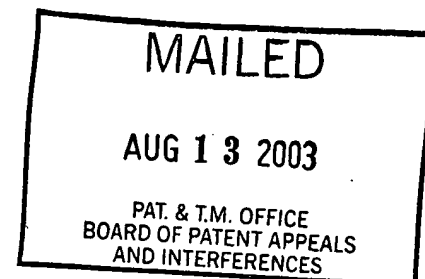
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**NOTICE DECLARING INTERFERENCE**  
(37 CFR § 1.611)

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of



this NOTICE DECLARING INTERFERENCE.

**Part B. Judge designated to handle the interference**

Administrative Patent Judge Jameson Lee has been designated to handle the interference.

37 CFR § 1.610(a).

**Part C. Standing order**

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

**Part D. Conference call to set dates**

A telephone conference call to set dates for taking action in the interference is scheduled for **11:00 a.m. on 1 October 2003** (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See STANDING ORDER ¶ 10.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE. Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

**Part E. The parties involved in this interference are:**

**Junior Party**

Named inventor: DONAT ELSENER, Mannedorf, Switzerland  
DANIEL RYSER, Stafa, Switzerland

Patent: 6,555,792 B1, granted 29 April 2003, based on  
Application 09/672,726, filed 28 September 2000

Title: Thermocycler and lifting element

Assignee: Tecan Schweiz AG

Accorded Benefit: none

Attorneys: See last page

Address: See last page

**Senior Party**

Named Inventor: HON SIU SHIN, Singapore  
JEW KWEE NGUI, Singapore  
ADRIAN FAWCETT, Pleasanton, CA  
KENNETH P. CHAO, San Francisco, CA  
GARY L. BORDENKIRCHER, Pacifica, CA  
JESSICA BARZILAI, Mountain View, CA  
DONALD R. SANDELL, San Jose, CA

Application: 09/496,408, 2 February 2000

Title: Apparatus and method for ejecting sample  
well trays

Assignee: PE Corporation

Accorded Benefit: none

Attorneys: See last page

Address: See last page

**Part F. Count and claims of the parties**

**Count 1**

Claim 1 of Elsener's Patent 6,555,792 B1

or

Claim 1 of Shin's Application 09/496,408

The claims of the parties are:

Elsener et al.:	1-14
Shin et al.:	1, 2, 4, 6-8, 10, 18-23 and 40-49

The claims of the parties which correspond to Count 1 are:

Elsener et al.:	1-14
Shin et al.:	1, 2, 4, 6-8, 10, 18-23 and 40-42

The claims of the parties which do not correspond to Count 1 are:

Elsener et al.:	None
Shin et al.:	43-49

**Part G. Heading to be used on papers**

The following heading shall be used on papers filed in the interference. See STANDING ORDER ¶ 3.5.

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Filed on behalf of [name of party] Paper \_\_\_\_<sup>1</sup>  
By: Name of lead counsel  
Name of backup counsel  
Street address  
City, State, and Zip-Code  
Tel:  
Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Jameson Lee)

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DONAT **ELSENER** and DANIEL RYSER,  
Junior Party,  
(Patent 6,555,792 B1),

v.

HON SIU **SHIN**, JEW KWEE NGUI, ADRIAN FAWCETT,  
KENNETH P. CHAO, GARY L. BORDENKIRCHER,  
JESSICA BARZILAI and DONALD R. SANDELL,  
Senior Party,  
(Application 09/496,408).

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Patent Interference No. 105,141

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TITLE OF PAPER

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<sup>1</sup> Leave a blank line because the board assigns the paper number.

## **Part H. Summary of dates for taking action**

Times for taking action are set out in the following sections of the STANDING ORDER:

- ¶ 4: date for identifying lead and backup counsel.
- ¶ 5: date for identifying any real party in interest.
- ¶ 6: date for requesting copies of involved and benefit applications and patents.
- ¶ 7: date for accomplishing certain discovery.
- ¶ 8: date for filing clean copy of claims.
- ¶ 9: date for filing clean copy of claims in cases with drawings or claims containing a means plus function limitation.
- ¶ 10: date for filing list of proposed preliminary motions.
- ¶ 13.10.2: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
- ¶ 14.1.1: date for objecting to admissibility of evidence.
- ¶ 14.2: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
- ¶ 14.3: dates when cross-examination can take place.
- ¶ 15.2: dates for taking action with respect to settlement discussions.



**Part I. Order form for requesting file copies**

**FILE COPY REQUEST**  
**Interference 105,141**

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. \_\_\_\_\_
2. Complete address, including street, city, state, ZIP code and telephone number (do not list a Post Office box because file copies are sent via commercial overnight courier).

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Telephone, including area code: \_\_\_\_\_

**Part J. Signature of administrative patent judge**

  
JAMESON LEE  
Administrative Patent Judge

Date: 8/13/03

Enc:

Copy of STANDING ORDER

Copy of PTO 850

Copy of order used for setting times for taking action in the preliminary motion phase of the interference

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference

Copy of Application claims 09/496,408

Copy of Patent 6,555,792 B1

Revised May 2003

cc (via Federal Express):

Attorney for ELSENER:

Peter C. Michalos, Esq.  
NOTARO & MICHALOS P.C.  
100 Dutch Hill Road  
Suite 110  
Orangeburg, N.Y. 10963-2100

Attorney for SHIN:

Robert F. Ziems  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER LLP  
1300 I Street, N.W.  
Washington, D.C. 20005

**INTERFERENCE DIGEST**

Interference No. 105,141

Paper No. 12

Name: Donat Elsener et al.

Serial No.: 09/672,726

Patent No. 6,555,792B1, granted 04/29/03

Title: THERMOCYCLER AND LIFTING ELEMENT

Filed: 09/28/00

Interference with Shin et al.

**DECISION ON MOTIONS**

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FINAL DECISION**

Board of Patent Appeals and Interferences, FAVORABLE Dated, 7/20/04

\_\_\_\_\_

Court, \_\_\_\_\_ Dated, \_\_\_\_\_

**REMARKS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This should be placed in each application or patent involved in interference in addition to the interference letters.